

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

In re:

JONATHAN R. THORNE and

BANKRUPTCY CASE:

DARLENE S. THORNE, Debtors

09-11763-DWH

Adv. ID - 1172
CHAPTER 13

APPLICATION OF TRUSTEE TO EMPLOY COUNSEL FOR A SPECIAL PURPOSE

COMES NOW, Locke Barkley, Trustee in the above styled and numbered proceeding, by and through her attorney, and petitions the Court for authority to retain and appoint counsel for a special purpose to represent the debtors, the bankruptcy estate of debtors, a proposed class of debtors, the bankruptcy estate of such debtors and to represent the Chapter 13 Trustee and a class of Chapter 13 Trustees. In support of this motion the Trustee would show as follows:

1. That in order to facilitate her duties as a Trustee, it is necessary for the Trustee to employ counsel for the pursuit of a class action on behalf of a class of debtors, the respective bankruptcy estates, and on behalf of all of the Chapter 13 Trustees in the United States of America. Said claim is held by the debtors in this action and by the Trustee, Locke Barkley, individually and in their respective capacities as class representatives to vindicate the integrity of the Court and the Bankruptcy process and to recover damages for the respective classes for the conduct described and set out in the Adversary Proceeding numbered 10-01172 and styled *Thorne v. Prommis Solutions Holding Corporation, et al*, presently pending before the Court in the Northern District of Mississippi.

2. Applicant desires to employ the following counsel team as special counsel for the performance of said legal services described herein with said counsel team receiving compensation upon the following terms and conditions: The Class Counsel team will receive those fees which are approved by the Court for their work on the case as determined by controlling law for class counsel plus reasonable and necessary expenses.

Said counsel team is:

Liaison Counsel:

Jimmy McElroy, Esq.
Jimmy E. McElroy & Associates
3780 S. Mendenhall Road
Memphis, Tennessee 38115
1-888-871-3678
Fax: 901-794-4335
jemcelroy@aol.com

Lead Counsel:

Nick Wooten, Esq.
P.O. Box 3389
Auburn, Alabama 36831
(334) 887-3000
Pro Hac Vice Pending

Class Counsel:

D.W. Grimsley, Jr., Esq.
P.O. Box 130836
Birmingham, Al. 35213
205-581-0900
Pro Hac Vice pending

David Casey, Esq.
Casey Gerry
110 Laurel Street
San Diego, CA 92101
619-238-1811
Pro Hac Vice to follow

Chad McGowan, Esq.
McGowan, Hood, and Felder, LLC
1539 Health Care Drive
Rock Hill, SC 29732
803-327-7800
Pro Hac Vice to follow

Robert G. Rikard
Rikard & Moses, LLC
1803 Hampton Street
Columbia, South Carolina 29201
803-978-6111
Pro Hac Vice to follow

Under no circumstances shall said class counsel team be paid fees from assets of the bankruptcy estates. Any monies recovered as a result of said suit will be disbursed pursuant to further Court Order, and said class counsel team agrees to provide reports to the Trustee.

3. The Class Counsel team chosen by the Trustee and the debtors is fully competent and capable of meeting the needs of the debtors, the bankruptcy estate, the Trustee and their respective classes. A brief summary of their qualifications for the Court's review, as provided to the Trustee by said class counsel team, is set out herein:

Jimmy McElroy of the Mississippi and Tennessee Bankruptcy Bar

Mr. McElroy is well known in this Court as a consumer bankruptcy attorney and is versed in the Court's rules and procedures. Mr. McElroy is familiar with and maintains relationships through his practice with all of the local Court personnel and is familiar with the intricacies of this particular case as well as the procedural requirements of the Bankruptcy Court. Mr. McElroy is highly qualified to be the liason counsel in this case.

Nick Wooten of the Alabama Bar

Mr. Wooten is an experienced consumer attorney who has extensive litigation experience in the Bankruptcy Courts of Alabama. Mr. Wooten's practice since late 2007 has been consumed with litigating issues related to the foreclosure and bankruptcy practices of the mortgage servicing industry. Mr. Wooten is a 2007 graduate of Max Gardner's Bankruptcy Boot Camps and is known nationally for his extensive work to expose the relationships between the mortgage servicing industry, LPS, LPS Default and the self-titled "network firms" who have executed contracts with LPS Default and its predecessor Fidelity National Foreclosure Services to split fees for the referral of cases to these firms. Mr. Wooten is also currently litigating other matters involving similar issues in individual and class cases in various jurisdictions around the nation. Mr. Wooten has been or is involved in litigation not only in Alabama but also in Ohio, Florida, New York, South Carolina, Kentucky and Louisiana. Mr. Wooten's practice has focused on issues affecting the rights of consumers including foreclosure defense and the business relationships between LPS, LPS Default and their "network firms" for the

last 3 years. Mr. Wooten was among the first to object to the standing of certain creditors and has deposed numerous witnesses in the industry that led to the discovery of the allegations in this case. Mr. Wooten has also consulted extensively with experts in the fields legal ethics in connection with the issues in this case. In short, Mr. Wooten is a national leader on these issues for consumers and has devoted most of the last three years to this effort. There is likely no other consumer attorney in the nation with as much knowledge and experience representing consumers against the actions of the mass mortgage foreclosure industry than Mr. Wooten.

D.W. Grimsley of the Alabama Bar

Mr. Grimsley is similar to Mr. Wooten in that he too has been involved in these issues from the beginning. He has been litigating these foreclosure issues for years with Mr. Wooten.

David Casey of the California Bar

Mr. Casey brings to the table an ability to finance the litigation as well as a wealth of experience in handling large scale litigation. Mr. Casey is perhaps best known for his work on behalf of the Alaskan fishermen in their landmark case against Exxon after the Valdez oil spill. Mr. Casey and his firm represented the state of California against the tobacco industry and their other experience is almost too voluminous to mention. Mr. Casey and his firm handle personal injury cases, class actions, pharmaceutical litigation and other complex cases. With 14 attorneys, Mr. Casey and his firm are capable of handling litigation of this scope. Mr. Casey and his firm have been responsible for verdicts and settlements valued in the billions of dollars on behalf of their clients.

Chad McGowan of the South Carolina Bar

Mr. McGowan has an ability to finance the litigation as well as experience in similar large scale litigation. Mr. McGowan has been appointed co-class counsel in an antitrust class action (Spartanburg Regional Health Services District v. Hillenbrand Industries) that resulted in a settlement valued at \$486 Million, as well as co-lead counsel in a securities fraud/creditor's rights case (In Re Thaxton) resulting in a recovery for the class in excess of \$100 Million. Mr. McGowan and his firm have been on executive committees of the Mattel Lead Paint litigation, the Conagra Peanut Butter contamination cases, and other large scale litigation. Similarly, the firm, like the Casey Gerry firm, is involved in personal injury and medical malpractice matters that frequently go to trial. Mr. McGowan's firm has 12 attorneys and they are also capable of handling litigation of this scope.

Robert Rikard of the South Carolina Bar

Mr. Rikard of Rikard and Moses LLC is currently litigating cases in South Carolina involving issues similar to the ones here. Further, Mr. Rikard is very experienced with complex litigation. He has served on numerous plaintiff steering committees managing the coordination of mass tort litigation for plaintiffs and has served as Lead Counsel on various class actions across the country involving issues such as product defects, consumer protection and RICO. Mr. Rikard's practice focuses solely on complex litigation.

Each putative class counsel is willing to attest to its qualifications should the Court deem it necessary.

4. The Class Counsel team is fully competent to advise the Trustee on all matters which are now anticipated to arise in the prosecution of this proceeding and have agreed to protect and preserve all rights of the Applicant.

5. Said class counsel team represents no interest adverse to the Trustee or the estate(s) with respect to matters upon which the special counsel team are to be engaged, and the employment of these attorneys would be in the best interest of this estate(s), the Trustee and the classes they propose to represent. To the best of Applicant's knowledge, the class counsel team has no connection with the creditors herein or any other party in interest or their respective attorneys which would interfere with or hinder the faithful performances of their duties herein.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that she be authorized to employ and appoint her chosen counsel team specially as Attorneys for the Trustee upon the terms and conditions set forth above in the claim or action set out herein above, and the Trustee prays for such other general relief as the Court deems necessary, prudent or just.

Respectfully submitted on this the 9th day of October 2010.

LOCKE D. BARKLEY

BY: /s/ W. Jeffrey Collier
W. JEFFREY COLLIER, ESQ.
MS BAR NO. 10645
ATTORNEY FOR TRUSTEE
POST OFFICE BOX 55829
JACKSON, MISSISSIPPI 39296

CERTIFICATE OF SERVICE

I, the undersigned Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the following attorneys of record and/or parties of interest:

Office of the U. S. Trustee
USTPRegion05.AB.ECF@usdoj.gov

Deetric Montgomery Hicks
ECF_MS@prommis.com
dmhicks@jfllegal.com

This the 9th day of October 2010.

/S/ W. Jeffrey Collier
W. JEFFREY COLLIER, ESQ.